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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Carl Goosinow
3326 W. 83rd St.
Woodridge, IL 60517

Plaintiff,

v.

Monterey Financial Services, Inc.
c/o CT Corporation System, Registered Agent
208 S. LaSalle Street, Suite 814
Chicago, IL 60604

Defendant.

07CV5353
JUDGE SHADUR
MAGISTRATE JUDGE BROWN

**COMPLAINT FOR DAMAGES
UNDER THE FAIR DEBT
COLLECTION PRACTICES ACT
AND OTHER EQUITABLE RELIEF**

JURY DEMAND ENDORSED HEREIN

JURISDICTION AND VENUE

1. Jurisdiction is founded on 28 U.S.C. §1331 pursuant to the Fair Debt Collections Practices Act (FDCPA), 15 U.S.C. §1692. Venue is proper in this district because this is the judicial district where all of the events giving rise to the cause of action took place.

FACTS COMMON TO ALL COUNTS

2. The Plaintiff is a person who incurred a consumer debt primarily for personal, family or household purposes.
3. Defendant is a corporation doing business primarily as a consumer debt collector.
4. Defendant is a debt collector as defined by the FDCPA, 15 U.S.C. §1692a(6).
5. The Plaintiff is a "consumer" as defined by 15 U.S.C. §1692a(3).
6. The debt in question qualifies as a "debt" as defined by 15 U.S.C. §1692a(5).

7. Defendant is either the holder of the debt or was retained by the current holder to collect the debt.
8. All of Defendant's actions occurred within one year of the date of this Complaint.
9. In or around May 2007, Plaintiff informed Defendant that Plaintiff had retained an attorney for bankruptcy, and provided his attorney's contact information.
10. In or around June 2007, despite Plaintiff's notice, Defendant contacted Plaintiff multiple times.
11. In or around June 2007, during a communication regarding Plaintiff's debt, Defendant stated that Plaintiff would be arrested for having stolen property.
12. During the communication referenced in paragraph 13, Defendant stated that Plaintiff would go to jail.
13. During the communication referenced in paragraph 13, Plaintiff felt obligated to make payment arrangements with Defendant, and Plaintiff gave Defendant three post dated checks for June, July, and August.
14. On or around July 24, 2007, Defendant deposited Plaintiff's July check, without notifying Plaintiff in writing that Plaintiff's check would be deposited.
15. Plaintiff is emotionally distraught and has been compelled to hire counsel to prosecute this action.
16. Defendant has damaged Plaintiff emotionally and mentally and has caused substantial anxiety and stress.
17. Defendant violated the FDCPA.

COUNT ONE

Violation of the Fair Debt Collections Practices Act

18. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

19. The Defendant violated 15 U.S.C. §1692c in that it contacted Plaintiff

notwithstanding the fact that Plaintiff told Defendant that Plaintiff was represented by an attorney.

COUNT TWO

Violation of the Fair Debt Collections Practices Act

20. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

21. The Defendant violated 15 U.S.C. §1692f in that it failed to notify Plaintiff in writing of Defendant's intent to deposit Plaintiff's postdated check.

COUNT THREE

Violation of the Fair Debt Collections Practices Act

22. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

23. The Defendant violated 15 U.S.C. §1692f in that its actions were unfair and/or unconscionable means to collect a debt.

COUNT FOUR

Violation of the Fair Debt Collections Practices Act

24. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

25. The Defendant violated 15 U.S.C. §1692e, generally, by having non-attorneys overtly state that they could control the decision to litigate and the timing and scope of the litigation, when in fact this would be an attorney decision.

COUNT FIVE

Violation of the Fair Debt Collections Practices Act

26. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

27. The Defendant violated 15 U.S.C. §1692e in that it threatened legal action where such action was not contemplated, and stated for the sole purpose of terrifying the Plaintiff.

COUNT SIX

Violation of the Fair Debt Collections Practices Act

28. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

29. The Defendant violated 15 U.S.C. §1692e by making misrepresentations during its conversations with Plaintiff.

JURY DEMAND

30. Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

31. Plaintiff prays for the following relief:

- a. Judgment against Defendant for actual damages, statutory damages pursuant to 15 U.S.C. §1692k and costs, and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
- b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Legal Helpers, P.C.

By: 

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